

with the supervision and assistance of parolees as the board may prescribe. Parole officers shall be subject to removal by the board with or without cause, at the pleasure of the board. They shall have all the authority of peace officers only in making arrests of parole violators and in the discharge of their official duties under this Act. It shall be the duty of the board to divide the State into as many districts as there are parole officers and assign a parole officer to each district. Each parole officer shall receive an annual salary of Eighteen Hundred (\$1800.00) Dollars, and all actual and necessary expenses incurred in the discharge of his official duties.

Sec. 16D. County Parole Boards. In further aid of this Act, and for the protection of the public and parolees under it, the Governor of Texas, may, when it takes effect, and every two years thereafter, appoint in each county of this State, not less than three nor more than fifteen, citizens who shall constitute the county parole board of the county designated. Persons thus appointed shall be of known integrity and unimpeachable character, have the welfare of society and the rehabilitation of parolees at heart. They shall organize immediately after their appointment by the selection of one of their number chairman and another secretary. It shall be the duty of the secretary to immediately notify the Board of Pardons and Paroles of the organization of the board, the names of its chairman and secretary, and the name and address of each respective member thereof. Each member shall qualify by taking the constitutional oath of office and file the same immediately with the Secretary of State, who shall then issue a commission of office to each member, signed by the Governor of Texas, attested by the Secretary of State and the seal of the State of Texas shall be affixed thereto. No fee shall be charged for this service by the Secretary of State. Members of county parole boards shall serve without pay. It shall be the duty of the secretary of each board to keep a permanent record of all proceedings of his board.

Sec. 16E. Office Space May Be Furnished Parole Officers. The commissioners' court in each county in

which a parole officer has his headquarters may provide in the courthouse, criminal courts building, or in a building near thereto, suitable office space for such parole officer.

Sec. 16F. Duties of County Parole Boards and Members Thereof. It shall be the duty of each county parole board and the respective members thereof to cooperate with the State parole supervisor, parole officers and the board; to assist and encourage parolees, after release, in securing legitimate employment and to take care of those dependent upon them; to warn them against evil associates and immoral or illegal conduct, against violating the conditions of their paroles; to assist them in their reformation and rehabilitation to the end that they may become useful law-abiding citizens; and to report to the Board any illegal or immoral acts and any violation of their paroles. Such reports shall be made immediately to the board. Each county parole board shall, between the first and tenth of each month, make a general report to the board as to the conduct and activities of all parolees which have been paroled to it, together with such recommendations as to any particular parolee as it may deem best."

THIRTEENTH DAY.

(Monday, February 1, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Spears.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Westerfeld.
Lemens.	Winfield.
Moore.	Woodruff.

The following Senators were absent and excused.

Newton.	Small.
Oneal.	Stone.

Weinert.

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of Friday, January 29, was dispensed with, on motion of Senator Roberts.

Leaves of Absence Granted.

Senator Small was granted leave of absence for this week on account of important business, on motion of Senator Rawlings.

Senator Stone was granted leave of absence for today on account of important business, on motion of Senator Collie.

Senator Weinert was granted leave of absence for today on account of important business, on motion of Senator Moore.

Senator Newton was granted leave of absence for this week on account of illness, on motion of Senator Lemens.

Senator Oneal was granted leave of absence for today, on account of illness, on motion of Senator Lemens.

Message From the Governor.

A secretary of the Governor appeared at the bar of the Senate, and being duly announced, presented a message from the Governor, which was read to the Senate, as follows:

Austin, Texas, Jan. 31, 1937.

To the Senate of the 45th Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Associate Justice of the Court of Civil Appeals for the Sixth District, at Texarkana:

Judge I. N. Williams, of Mount Pleasant, Titus County, to succeed Judge Grover Sellers, resigned, said resignation and said appointment to take effect February 1, 1937.

To be Judge of the 76th Judicial District of Texas:

Claude Hutchings, of Mount Pleasant, Titus County, to succeed Judge I. N. Williams, appointed (effective February 1, 1937), to succeed Judge Grover Sellers, resigned, on the Court of Civil Appeals at Texarkana.

Since these resignations are effective

February 1st, I ask that, if possible, these nominations be acted upon at once.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

The message was referred by the President to the Committee on Nominations of the Governor.

Senate Bills on First Reading.

The following Senate Bills were introduced, read severally first time, and referred by the President to appropriate committees, as follows:

By Senators Cotten, Van Zandt, Isbell, Burns and Collie:

S. B. No. 175, A bill to be entitled "An Act providing for the disposition of fees collected, and to be collected, from applicants for teacher's certificates, and schools applying for approval under the provisions of Article 2888, Revised Civil Statutes of 1925, by placing same in the General Revenue Fund of the State of Texas; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Brownlee:

S. B. No. 176, A bill to be entitled "An Act to amend Article 5517 of Title 91 of the Revised Civil Statutes, 1925, of the State of Texas, so as to provide that no person shall ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, alley, sidewalk or grounds belonging to any town, city or county, or which has been denoted or dedicated for public use in any such town, city or county by the owner thereof, or which has been laid out or dedicated in any manner to public use in any town, city or county in this State, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Woodruff, Burns, Collie, Isbell, Roberts, Head, Akin, Holbrook and Beck:

S. B. No. 177, A bill to be entitled "An Act to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-

third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, and as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any part of this amendment be unconstitutional or be invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing Chapter 117, Acts of the First Called Session of the Forty-third Legislature, except as herein re-enacted, and declaring an emergency."

Referred to Committee on Finance.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 1, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 100, A bill to be entitled "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fourth Legislature for the fiscal year ending August 31, 1937, found on page 1053, Acts of the Regular Session of the Forty-fourth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the Pink Bollworm, under the provisions of Chapter 3, Title 4, Revised Civil Statutes of Texas, 1925 known as the Pink Bollworm Law, and amendments thereto, and declaring an emergency."

H. B. No. 101, A bill to be entitled "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fourth Legislature for the fiscal year ending August 31, 1927, found on page 1053, Acts of the Regular Session of the Forty-fourth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the Mexican Fruit Fly, Citrus Canker, and

other pests, and declaring an emergency."

H. B. No. 153, A bill to be entitled "An Act amending Chapter 16 of the Acts of Thirty-fifth Legislature, 1917, as amended by Chapter 58 of the Acts of the Thirty-fifth Legislature, 1917, as amended by Chapter 139 of the Acts of the Thirty-seventh Legislature, 1921, relating to the creation of a Juvenile Board within certain counties of this State and prescribing the duties and powers of such board, including the appointment by it of probation officers and providing for the payment of compensation of such officers and allowing the said District Judges an additional salary, to be paid out of the general fund of such county, by adding a new Section to be known as Section 1-A and providing for the establishment of a Juvenile Board in counties having a population of sixty thousand and one and not more than ninety thousand according to the preceding Federal Census, and containing a city of fifty thousand or more, according to the preceding Federal Census; providing for the compensation of the members of said Board, and declaring an emergency."

H. B. No. 162, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict therewith, and declaring an emergency."

H. B. No. 165, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, giving additional authority to the commissioners' court in certain counties relative to the compensation or salary to be paid county auditors in such counties, and declaring an emergency."

H. B. No. 245, A bill to be entitled "An Act to declare a closed season on the killing of deer and turkey in Throckmorton and Shackelford Counties for a period ending February 1st, 1941; prescribing a penalty therefor, and declaring an emergency."

H. B. No. 218, A bill to be entitled "An Act to amend H. B. No. 423, Acts of the Forty-fourth Legislature, Regular Session, by providing that Limestone, Robertson and Milam Counties be excepted from the provisions of said bill, and declaring an emergency."

S. B. No. 54, A bill to be entitled "An Act making an appropriation for the payment of the increase in salaries of the several constitutional officers of the State of Texas as authorized by constitutional amendment voted November 3, 1936; fixing the salaries and providing method of payment of these salaries; supplementing the original appropriation made by the Forty-fourth Legislature for the payment of salaries to these officials, and declaring an emergency."

S. B. No. 101, A bill to be entitled "An Act amending Article 1041, Title 15, Code of Criminal Procedure, Revision of 1925; and declaring an emergency."

H. C. R. No. 3, Granting permission to F. L. Ehrig and wife; Allie Burdett and wife; J. R. Compton and wife; H. L. Cone and wife; and H. W. Mathews and wife to sue the State of Texas and the State Highway Commission for personal damages.

H. C. R. No. 9, Granting permission to Mrs. Tom (Fritz) Harrell to sue the State of Texas and the State Highway Commission for personal damages.

H. C. R. No. 14, Asking for contributions for the relief of the citizens of Ohio, Kentucky, and other flooded states.

S. C. R. No. 16, Opposing the ratification by the United States Senate of the Argentine Sanitary Convention.

The House has concurred in the Senate amendments to H. C. R. No. 13, by viva voce vote.

In compliance with the provisions of H. C. R. No. 13, the following members are appointed on the part of the House to confer with the representatives of the Legislature of the State of Oklahoma in regard to the Texas-Oklahoma boundary: Messrs. Broadfoot, Boyer and Smith of Tarrant.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Appointments Announced.

In accordance with the provisions of H. C. R. No. 13, previously adopted by the House and Senate, the President announced the appointment of the following committee on the part of the Senate:

Senators Van Zandt, Rawlings and Spears.

House Bills on First Reading.

The following House Bills, received from the House today, were laid before the Senate, read severally first time and referred by the President to appropriate committees, as follows:

H. B. No. 100, to Committee on Finance.

H. B. No. 101, to Committee on Finance.

H. B. No. 218, to Committee on Game and Fish.

H. B. No. 153, to Committee on Counties and County Boundaries.

H. B. No. 162, to Committee on Educational Affairs.

H. B. No. 165, to Committee on State Affairs.

H. B. No. 245, to Committee on Game and Fish.

House Concurrent Resolutions.

The following concurrent resolutions, received from the House today, were laid before the Senate, read severally, and referred by the President to the appropriate committees, as follows:

H. C. R. No. 9, to Committee on State Affairs.

H. C. R. No. 3, to Committee on State Affairs.

H. C. R. No. 14, to Committee on Finance.

Senate Resolution No. 17.

Senator Rawlings offered the following resolution: •

Be it Resolved, By the Senate of the State of Texas that the following rules, Numbers 102 to 107, inclusive, supplementing Rules 1 to 101, inclusive, heretofore adopted, are hereby adopted as the permanent rules of the Texas Senate for the Forty-fifth Legislature:

"102. It shall be in order to introduce bills during the first forty-five calendar days of the Session, and

to have the same referred to a proper committee. Provided, however, that at any time during the Session, resolutions, emergency appropriations, emergency matters specifically submitted by the Governor in special messages to the Legislature, and local bills (as defined in Rule 104) may be introduced, referred to a committee, and disposed of under the General Rules of the Senate. The Senate may act upon the appointments (recess or otherwise) of the Governor at any time during the Session.

"103. Except as otherwise provided in Rule 102, no bills shall be introduced after the first forty-five calendar days of the Session. Provided, however, this rule may be suspended by the affirmative vote of four-fifths of the members of the Senate.

"104. The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article III, Section 5, of the Constitution, shall not apply to local bills hereinafter defined, and the same may be introduced, referred, reported, and acted upon at any time under the general rules and order of business of the Senate.

"A local bill is defined for the purposes of this rule as an Act the provisions of which relate to or affect directly a defined locality, district, or section of the State, but which do not affect directly the State at large, and the operation of which is confined solely to a particular locality, district, or section of the State.

"105. Rule 105 is hereby repealed.

"106. Except as otherwise provided in Rule 102, bills shall not be taken up, considered, or acted upon by the Senate during the first sixty calendar days of the Session, unless this rule be suspended by the affirmative vote of four-fifths of the Members of the Senate.

"107. It shall be in order for committees to consider bills and resolutions at any time during the Session, make reports thereon, and file the same with the Senate."

Be it further Resolved, That the Secretary of the Senate is hereby authorized to have the Manual re-coded, indexed, and printed in

sufficient numbers to furnish the officers and Members of the Senate and press representatives with copies thereof, said Manual to contain the Rules of the House of Representatives, the Texas Constitution, the Joint Rules of both Houses, a roster of the membership and officers of both Houses, and the standing committees of both Houses, and to pay the cost thereof out of the contingent expense fund.

Be it further Resolved, That the Secretary of the Senate is hereby authorized to have printed immediately the new rules of the Senate in a temporary form for the use of the Members pending the printing of the official Manual, and to pay the cost thereof out of the contingent fund.

The resolution was read and was referred by the President to the Committee on Rules.

Message From the Governor.

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas, Jan. 31, 1937.
To the Senate of the 45th Legislature:

I hereby ask the advice, consent and confirmation of the Senate to the following appointment:

To be a member of the State Game, Fish and Oyster Commission:

Murrell L. Buckner, of Dallas, Dallas County, to succeed Caesar Kleberg, resigned, said resignation and appointment effective January 31, 1937, for the remainder of the term ending September 1, 1937.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

The message was referred by the President to the Committee on Nominations of the Governor.

Message From the House.

A Clerk from the House was recognized to present the following message.

Hall of the House of Representatives,
Austin, Texas, Feb. 1, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

H. S. R. No. 79, Requesting the Members of the State Senate to fill out certain questionnaires.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following bills:

S. B. No. 54, A bill to be entitled "An Act making an appropriation for the payment of the increase in salaries of the several constitutional officers of the State of Texas as authorized by constitutional amendment voted November 3, 1936; fixing the salaries and providing method of payment of these salaries; supplementing the original appropriation made by the Forty-fourth Legislature for the payment of salaries to these officials, and declaring an emergency."

S. B. No. 101, A bill to be entitled "An Act amending Article 1041, Title 15, Code of Criminal Procedure, Revision of 1925; and declaring an emergency."

Senate Bill No. 1 on Second Reading.

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 1, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legislature, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles fixing their terms of office, providing a method of appointment thereto and authorizing recess appointments; limiting the power of the Governor in the matter of reprieves, commutations of punishment and pardons, providing for one reprieve of not more than thirty (30) days in any capital case; empowering the Governor to revoke paroles and other forms of clemency and establishing rules and regulations to govern each action; fixing the salaries of the members of the Board of Pardons and Paroles and providing for traveling expenses and accommodations prescribing their duties, providing for their offices, fixing their places

of meeting and empowering them to employ a secretary and other assistants; creating the office of parole supervisor, fixing the salary, prescribing the duties and qualifications, and providing for the appointment thereto; empowering the Governor to appoint Voluntary County Parole Commissions, and citing their duties; providing for the appointment of an executive secretary to the Voluntary County Parole Commissions in and for each Senatorial district in the State of Texas, fixing the salary and prescribing the duties of each executive secretary; providing that the Board of Pardons and Paroles shall determine which prisoners shall be released from the penitentiary before the expiration of their maximum term and providing that the general manager of the Texas Prison System, insofar as his records will allow, furnish the Board of Pardons and Paroles with a complete social and criminal record of each prisoner in his charge; defining the duties of each district judge pronouncing sentence upon a prisoner; determining how prisoners serving sentence in the penitentiary shall become eligible for parole, and the manner and conditions of release; requiring an investigation into the case of each parolee suspected of violating the terms of his parole and requiring a hearing in each prisoner's case when he shall be so charged, and providing for the revocation of same; providing the method of computing a prisoner's time served; requiring all parolees to comply with the terms of their release; establishing a method of application for restoration of citizenship and full rights and privileges of suffrage; declaring that if any part of this Act shall be held unconstitutional or invalid the remainder shall remain in effect and force, and declaring an emergency."

The bill was read second time.

Senator Burns offered the following amendments to the bill:

(1)

Amend S. B. No. 1, by striking out all of Section 16 thereof.

BURNS,
MOORE.

(2)

Amend S. B. No. 1, Section 10, by striking out the word "five" and in-

serting in lieu thereof the word "fifteen."

BURNS.
MOORE.

(3)

Amend S. B. No. 1, Section 2, by striking out the words "Senate present" and inserting in lieu thereof the words "Membership of the Senate."

BURNS.
MOORE.

The amendments were severally adopted.

Senator Burns offered the following amendments to the bill:

(1)

Amend S. B. No. 1, by adding a new section to be called 26A to read as follows:

"Hereafter, the Governor of the State of Texas shall file with the Secretary of State a copy of the proclamation setting forth the reasons for granting clemency to certain convicts and said record shall be open to public inspection at any and all times."

(2)

Amend S. B. No. 1, by adding a new section to be numbered Section 3A to read as follows:

"The Board shall have the power at any time to recommend any form of clemency, conditional or otherwise, they may see fit irrespective of the proportion or amount of the sentence served."

The amendments were severally adopted.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 1, by adding at the end of Section 3 the following:

"Save and except unconditional pardons."

BURNS.
MOORE.

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 1, by striking out Section 11 and inserting a new Section 11 to read as follows:

"As soon as possible after the taking effect of this Act, the Board shall appoint a suitable number of Parole Inspectors, whose duty shall be to work with the Voluntary County

Parole Commissions toward the detailed supervision of all paroled prisoners placed under his direction by the Parole Supervisor. The Parole Supervisor shall place such Parole Inspectors at such places from time to time as he may deem best for the efficient discharge of their duties; subject, however, to the general supervision of the Board. The number of Parole Inspectors, the total salaries paid them, and the total traveling expenses thereof shall not exceed the sums appropriated therefor herein."

Senator Moore offered the following substitute for the amendment:

Amend S. B. No. 1, by striking out Section 11.

The substitute was adopted.

The amendment as substituted was adopted.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 1, by adding thereto a new section, reading as follows:

"All persons now in the penitentiary by virtue of conviction under the Dean Law alone (or any amendments thereto) shall be and are hereby paroled."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—19.

Beck.	Rawlings.
Brownlee.	Redditt.
Burns.	Roberts.
Hill.	Shivers.
Holbrook.	Spears.
Isbell.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Winfield.
Pace.	

Nays—7.

Aikin.	Head.
Collie.	Lemens.
Cotten.	Woodruff.
Davis.	

Absent—Excused.

Newton.	Stone.
Oneal.	Weinert.
Small.	

Senator Collie offered the following amendment to the bill:

Amend S. B. No. 1 by striking out

all after the enacting clause and substituting in lieu thereof the following:

Section 1. Reasons for Enactment. This enactment is in response to the Amendment to Section 11, Article 4, of the Constitution of the State of Texas, adopted by the people, November 3rd, 1936, which creates a Board of Pardons and Paroles for the State of Texas; prescribed the qualifications of its members, their tenure in office, and by whom they shall be appointed; limits the Powers of the Governor in granting reprieves, commutations of punishment, and pardons; and further providing that the Legislature shall have power to regulate and enact laws of procedure before the Board of Pardons and Paroles, and shall require it to keep records of its actions and the reasons therefor, and shall have authority to enact parole laws. Now, in order to aid and effect the purpose and intent of said Amendment to the Constitution, the following provisions are made and laws enacted.

Sec. 2. Board of Pardons and Paroles Created. There is hereby created a Board of Pardons and Paroles, hereinafter referred to as "The Board," to be composed of three members who shall have been resident citizens of the State of Texas for a period of not less than two years immediately preceding such appointment, each of whom shall hold office for a term of six years; provided that of the members of the first board appointed, one shall serve for two years, one for four years and one for six years from the first day of February, 1937, and they shall cast lots for their respective terms. One member of said board shall be appointed by the Governor, one member by the Chief Justice of the Supreme Court of the State of Texas and one member by the Presiding Justice of the Court of Criminal Appeals; the appointments of all members of the said board shall be with the advice and consent of two-thirds of the Senate present. Each vacancy shall be filled by the respective appointing power that theretofore made the appointment to such position and the appointing power shall have the authority to make recess appointments until the convening of the Senate.

Sec. 3. Power of Governor Defined. In all criminal cases, except treason and impeachment, the Governor shall have power, after conviction, upon the written signed recommendations and advice of The Board, or a majority thereof, to grant reprieves, commutations of punishment, paroles, and pardons, under such rules as the Legislature may prescribe. Upon the written signed recommendation and advice of The Board, or a majority thereof, he shall have the power to remit fines and forfeitures. The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed thirty (30) days; and, upon written signed recommendation and advice of the Board, or a majority thereof, or upon his own initiative, shall have the power to revoke paroles, furloughs and conditional pardons.

Sec. 4. Salaries of Members of the Board. Each member of the Board shall receive an annual salary of five thousand dollars (\$5,000.00) and such traveling expenses and accommodations as are necessary and incurred in the discharge of his official duties. The Board shall have the power to employ and prescribe the duties of an executive secretary and such other employees as may be necessary. The Board may, unless otherwise herein provided, until the general appropriation for the support and maintenance of the several departments of the state government for the two-year period beginning September 1, 1937, and ending August 31, 1939, shall otherwise provide, employ, in addition to an executive secretary, such stenographers, file clerks, parole officers, and other employees as may be necessary for the efficient, economical administration of the department, provided the salaries paid to such employees shall be proportional to the salaries now paid employees performing similar, or like duties in other state departments, and the total amount so paid all of said employees shall not exceed the appropriation hereinafter made for such purposes.

Sec. 5. Appointment of Chairman. When the members of said Board have been appointed as prescribed in said Constitutional Amendment and are confirmed by the Senate, and each member of The Board has quali-

fied, the Governor of Texas shall designate one member of The Board, Chairman, and such members shall so serve during his tenure of office, and it shall be his duty to preside at all meetings of The Board and at all hearings conducted before The Board. All official commutations and order of The Board shall be officially signed by him, the Secretary of The Board and attested by the official seal of The Board, when such seal has been obtained. In the absence of the Chairman, any other member of The Board may act as Chairman. The Chairman may assign individual members such special duties as may be deemed expedient to its functioning not in conflict with the rules and regulations hereinafter provided.

Sec. 6. Removal of Board Members From Office. If any member of The Board shall be guilty of malfeasance, misfeasance or nonfeasance in office, or shall become incapable or unfit to discharge his official duties, or shall wilfully fail, refuse or neglect the discharge of the duties of his office, such member may be removed from office by impeachment in the manner as provided by law.

Sec. 7. Duties of Old Board. After The Board, as created and appointed under said constitutional amendment, have taken the oath of office, the outgoing Board of Pardons and Paroles, shall deliver to the incoming Board, all files, stationery, office furniture, fixtures, and all other property of every kind and character in its possession and held by said Board under the law creating same.

Sec. 8. Office Location. The Board, shall be furnished and provided with offices in the Capitol Building, or in a building convenient thereto, suitable and sufficient for the discharge of the duties required of it under the terms of this Act. All meetings of the Board, or hearings before it, shall be held in such offices except as is otherwise provided herein.

Sec. 9. Quorum. A majority of The Board shall constitute a quorum for the transaction of business and no order or recommendation of The Board shall be valid unless concurred in by at least two of its members. The Board shall make all necessary rules and regulations governing the discharge of its duties, insofar as

they do not conflict with the provisions of this Act.

Sec. 10. Procedure Before the Board Prescribed. The procedure shall be as follows:

(a) Mondays of each week are designated as submission days before The Board. On these days all cases which are to be considered by The Board during that week, will in open session of The Board be heard and submitted.

(b) Submission of cases may be made in person by the prisoner, if convenient or available, his counsel or any person who wishes to appear in his behalf, except as hereinafter provided, by either oral or written arguments, statements or brief. Likewise, those who oppose clemency will be heard in the same way.

(c) The time allotted to the submission of each case shall be within the discretion of The Board and commensurate with the importance of the case. The number of cases submitted each week will be determined by The Board based on the number of prisoners eligible at said time for parole and those seeking pardons for cause.

(d) The Board shall procure a well-bound docket in which shall be entered and docketed in advance by name and number the cases to be submitted for a given week, and shall by postal card notify, at least two weeks in advance of the day set for submission of the case, the prisoner, his counsel, or the party making application for clemency in his behalf of the day the case will be submitted.

(e) The Chairman of the Board shall preside on submission days, shall call the docket and make such entries thereon in open Board session as will reveal the action of The Board on cases previously submitted.

(f) After cases for any week have been submitted, The Secretary of The Board, or its Chairman, shall apportion to the Board members, each as near as practicable, an equal number of the cases submitted; each member to investigate and write his opinion and judgement to be approved or disapproved in conference of The Board members.

(g) Friday of each week shall be conference day for The Board, and all opinions for judgments written by each member of the Board will either be approved or disapproved by

the Board as a whole, and all such opinions as are approved shall be signed by each concurring member of The Board and shall be immediately transmitted to the Governor for his approval or veto.

(h) Cases in which the penalty assessed is death, and emergency applications for furloughs may be taken up and considered at any time, otherwise only the cases submitted for any week will be heard or considered that week.

(i) A decision of The Board which is adverse to clemency, may by The Board be reopened and further considered upon application made for rehearing by the convict or any other person authorized by him in his behalf, which in the opinion of The Board discloses good cause for such action, otherwise it shall be final. All applications for such rehearing shall, in open session of The Board be heard and disposed of on the first Saturday of each month.

(j) No report shall be delivered to the Governor in any case where it is adverse to clemency of any character, but such adverse report shall be filed in the case for future inspection and to preserve the record.

(k) All reports, or opinions of The Board shall be in writing and in duplicate, and one copy of each shall be bound in book form and shall be open to inspection at any and all times. Letters written to The Board by trial officials, concerning the past life and criminal activities of a convict, or his relatives, shall not be exhibited to the relations or friends of the convict, or made public by the Board or its employees, but shall be considered privileged and not subject to inspection by the public.

(l) The Board may require all attorneys at law and others who appear before it in behalf of a convict asking for clemency or parole, or in behalf of any person, firm, corporation or association of persons seeking remission of fines, forfeitures or the restoration of any right, which has been lost by conviction or the judgment of any Court, to file with The Board an affidavit showing his or her authority for appearing before The Board in behalf of the convict, or other person, firm, corporation or association of persons, what fee, or other consideration has been

paid to or promised such person for his or her services in connection with the matter pending before said Board; and whether the payment of said fee or other consideration is contingent upon favorable action by The Board or the Governor in such matter.

Sec. 11. Furloughs—Only Emergency Granted. It is hereby provided that the Governor may, upon the recommendation of The Board or a majority thereof, grant furloughs in emergency cases. The Board alone shall determine in each instance whether the case is an emergency one; but in no event shall furloughs be recommended and granted for more than fifteen (15) days at any one period and not more than two fifteen (15) day furloughs shall be granted to any one prisoner over a period of six (6) months. Provided further that the time spent on furlough by a convict shall not be credited as time served on his sentence.

Sec. 12. Pardons. In consideration for applications for pardons The Board shall consider the facts as to guilt or innocence of such person, or unusual, outstanding and meritorious public service performed which deserve special consideration and clemency.

Sec. 13. Applications for Clemencies. All applications for pardons, reprieves, commutations of sentence, and remission of fines and forfeitures and all protests against, shall be made by petition in writing addressed to The Board of Pardons and Paroles and the Governor of Texas, signed by the party under conviction, or some one for him at his request, which petition shall contain a brief history of the case, the reason why such pardon, reprieve, commutation or remission should be granted and a brief biography of the person under conviction, setting forth particularly the age, place of birth, and the different places where he or she has resided, the years of such residence at each place, and occupations pursued in each locality.

Sec. 14. When a petition has been circulated for signatures of persons petitioning The Board and the Governor of Texas to recommend and to grant, respectively, a pardon, parole, reprieve, commutation of sentence, remission of fine or forfeiture

in a particular case, and after signatures have been obtained and affixed to such petition, the same, before it may be considered by The Board, shall be presented to the clerk of the county where the conviction was had or the county where the indictment was returned, or the Judgment, as the case may be, was obtained. It shall be the duty of said clerk to examine the signatures thereto attached, certify the number thereof, and the number that he believes to be genuine and shall list separately those that he believes to be genuine and certify to same over his official signature and witnessed by his official seal of office. For this service, he shall be paid by the person presenting such petition to him, the sum of one dollar (\$1.00) for each one hundred names, or major fraction thereof, which charge shall include fee for certificate, to which he certifies as believed by him to be genuine. Said petition may be then filed by the Secretary of The Board.

Sec. 15. Duty of Board to Obtain History of Cases. The Board shall, before recommending clemency or parole in behalf of any person confined in the penitentiary of this State, obtain for its files, a substantial history of the offense committed by the prisoner; his or her past criminal activities, of any; his or her reaction to prison rules and regulations, and his or her family background history and such other information as it may deem necessary for a proper disposal of the case. To aid The Board in securing the information above required it shall be the duty of all districts judges, district and county attorneys and sheriffs of Texas, and of all prison officials, county parole boards and Bureau of Records and Identification of the State, parole officers and Bureau of Classification of this State, or any city department having a Bureau of Records and Identification, when required by letter from The Board, to, without delay, in writing, report to The Board the information requested, concerning any convict now or hereafter confined in the penitentiary of this State. Any information so furnished, or any recommendation which said officials shall make, shall be considered privileged and not subject to inspection by the public, nor shall their contents be

disclosed by The Board, any member thereof, or its employees.

Sec. 16. Regular and Special Meetings at Units of Penitentiary. Regular hearings shall be held at each of the various penal units comprising the Texas Penitentiary System at least once every six (6) months, and at such other times and places as may be necessary. The Board, or any member thereof, when directed by the Chairman of The Board, shall hold meetings at each of said penal units for the purpose of aiding it in determining which of the eligible prisoners serving sentence in the penitentiary shall be paroled, pardoned, or their sentences commuted, and at such meetings it shall cause such prisoners as it may desire to personally appear before it, or the member or members present. There shall be at hand at such hearing and interview as complete and detailed case history of each such prisoner as The Board has been able to obtain under the provisions of this Act. The Board, or the member or members, conducting such hearing shall have stenographic notes made thereof and transcribed and those concerning each prisoner interviewed shall be separately filed and preserved in the office of The Board for future reference, if and when needed by it.

Sec. 17. Duties of General Manager Further Prescribed. (a) It shall be the duties of The General Manager of The Texas Prison System, insofar as his records will allow, to provide The Board with a complete social and criminal record of each prisoner in his charge, together with a record of such prisoner's previous arrests and convictions, a statement of his physical and mental condition and a complete and detailed record of his conduct while in prison;

(b) He shall, on or about the first day of each month, cause the Bureau of Records and Identification of the Texas Prison System, to transmit to The Board, a list of the names, counties where convicted, offense committed and punishment inflicted, of all prisoners received during the preceding month. Such list shall be preserved by The Board for its inspection, information and use;

(c) He shall, on or about the first day of each month, report to The Board the names of all prisoners

who will become eligible for consideration for parole within the next sixty (60) days, and whose names have not been previously reported by him for said period;

(d) He shall cause to be printed and distributed as many copies of this Act, together with such rules as The Board may promulgate, as may be necessary to acquaint all prison officials, farm managers, and inmates of their terms and requirements, and shall furnish to The Board five thousand (5,000) copies of same;

(e) He shall cause to be printed blank applications for parole and furnish same to prisoners in the penitentiary at least sixty (60) days before they become eligible to be considered for parole. The form of the application shall be prescribed by The Board.

Sec. 18. Applications for Paroles. Any prisoner may make application for parole at least thirty (30) days before he will become eligible to be considered for parole, if he desires to do so. However, each prisoner when eligible shall be considered for parole by The Board whether he applies for same or not.

Sec. 19. Secretary to Keep Docket. It shall be the duty of the Secretary of The Board, in addition to such other duties as may be prescribed by The Board, to see that every prisoner eligible to be considered for parole, has a docket entry of his case for the consideration of The Board at the time he becomes eligible for consideration.

Sec. 20. The Board to Consider All Cases Eligible for Parole. The Board shall be charged with the duty of seeing that all cases eligible to be considered for parole are placed upon the docket and shall consider all such cases. When parole is not recommended at the time a case is first considered, such case so rejected shall automatically come up for consideration, as in the first instance, at least once each year and oftener if The Board should so desire.

Sec. 21. Reports Before the Board. At the last meeting of The Board prior to the expiration of the minimum time of each prisoner eligible to parole it shall be the duty of The Board to cause to be brought before it all information in its possession in regard to such prisoner, and to consider his case whether application has been made therefor or

not. In addition it shall have before it a report from the Warden or Manager of each prison or prison farm, on which such prisoner has been confined, as to the prison conduct in prison with a detailed statement as to all infractions of rules in particular, all punishment meted out to such prisoner and the circumstances connected therewith, as well as a report from such official as to the extent to which such prisoner has responded to the efforts made in prison to improve his mental and moral condition. Such Board shall also have before it the report of such physical, mental and psychiatric examination as has been made of such prisoner. No prisoner shall be recommended for release on parole, unless the Board is satisfied that he will be suitably employed in self-sustaining employment if released.

Sec. 21. Statement of Facts to be Filed by District Clerks in Appealed Cases. The copy of the statement of facts now required by law to be filed with the Clerk of the District Court when an appeal shall hereafter be taken from a conviction of felony, shall be forwarded by the District Clerk in every case so appealed within thirty (30) days after he has received from the Clerk of the Court of Criminal Appeals the Mandate affirming such case, to the Secretary of The Board at Austin, Texas. The expense of mailing or the express charges thereon shall be paid by the Clerk so forwarding and he shall be reimbursed by the county of which he is Clerk to be paid upon the presentation of his itemized and sworn bill, in the same manner as other accounts against counties are presented, allowed and paid. Failure of any District Clerk to comply with the provisions of this Section, shall be sufficient grounds for the Comptroller to refuse to pay any account of said Clerk until he has complied herewith. The Board shall notify the Comptroller of any such dereliction on the part of any district clerk.

Sec. 22. Statement of Facts Furnished by District Judges When No Appeal Taken, or When Taken Without Statement of Facts. Hereafter, in all cases of final conviction where no appeal is taken, or if appeal is taken without statement of facts, it shall be the duty of the trial District Judge or Criminal District Judge, to immediately request his official court reporter to make a transcript in

narrative form of the material evidence heard upon the trial. It is hereby made the duty of such court reporter to comply with said request and to present the statement of facts so made to the Judge for his approval. The Judge shall examine the same and if he finds that it contains all of the material evidence heard upon the trial shall so certify over his official signature. It shall then become the duty of the court reporter to deliver the same to the district clerk of the court wherein the conviction was had, who shall forthwith forward the same by mail or prepaid express, to the Secretary of The Board at Austin, Texas. The Clerk shall be reimbursed for such expense in the same manner, and subject to the same penalty, as is provided in this Act for transmitting statement of facts in appealed cases.

Sec. 23. Board to Exercise Discretion. In all cases where pardon, parole, furlough, commutation of sentence, remission of fine or forfeiture is under consideration, except as is herein otherwise provided, The Board shall exercise its discretion, under all the facts and circumstances of the particular case, and make its recommendations accordingly.

Sec. 24. Parole is Not Clemency. When a parole has been granted to a prisoner, he shall not be considered as having been granted clemency.

Sec. 25. Board and Governor to Specify Conditions of Parole. When a prisoner is released on parole, The Board shall specify in its recommendation the conditions of his parole, which shall be included in the Governor's proclamation, or order of release, together with such additional conditions, not inconsistent therewith, as the Governor may see fit to impose. A copy of the Governor's proclamation, or release, shall be given to the parolee, and another copy to The Board which shall be properly indexed, bound and preserved as a permanent record of The Board. The Board may, in its discretion, recommend that the parolee shall contribute to the support of his family and dependents; make restitution for his crime, if able to do so, abandon all evil associates; abstain from the excessive use of intoxicating liquors and narcotics, and comport himself as a law-abiding citizen, but the foregoing conditions shall not be construed as exclusive

but as cumulative of any other conditions which The Board, in its discretion, may prescribe.

Sec. 26. Friendless Parolees Permitted to Leave State. Persons who are eligible for parole under this Act, who have no home, relatives or friends in this State, and who desire, if paroled, to return to a home, or relatives, or friends in another State, may be by The Board recommended for parole and permitted to do so under the following conditions: The prisoner shall, when released, report immediately to the probation or parole officer of the State designated by the Governor, to look after such parolees. Said officer shall by selection of and agreement with some suitable person, at or near the place to which such prisoner desires to return, make provisions for such person to look after the convict while on parole, and make reports concerning his conduct once each month. Money to secure transportation of the convict to the place paroled, shall be provided by the convict, or some one for him. The convict while on such parole shall remain a legal ward of the Texas Prison System and subject to be returned thereto for any infraction of the conditions on which he was paroled under the Uniform Parole Law Compacts of this and confederate states, now or hereafter enacted.

Sec. 27. Insane and Feeble Minded Prisoners. All insane, or feeble minded persons who are inmates, or who may hereafter be inmates of the penitentiary regardless of prison record, or the revolting nature of the crimes committed, shall be eligible at any time to be considered for parole to the insane and feeble minded institutions of this State, suited to their condition, when they can be admitted.

Sec. 28. World War and Spanish-American War Veterans. Likewise, World War Veterans, or Spanish-American Veterans, who are now, or may hereafter be confined in the penitentiary of this State, who are suffering from infirmities of mind or body, contracted while in service, regardless of time served, shall be eligible to be considered for parole at any time to any accredited Government institution, dedicated to the purpose of caring for and treating such individuals if accepted. It is hereby made the duty of all State Prison physicians, surgeons, psychia-

trist, to examine and report to The Board, all mental or physical defects of any such person now confined in the penitentiary of this State.

Sec. 29. No Parole as Reward for Good Conduct. No person shall be recommended for release on parole merely as a reward for good conduct, but only if The Board is of the opinion that there is a reasonable probability that if such prisoner is released he will live and remain at liberty without violating the law and that his release is not incompatible with the welfare of society. If the Board shall so determine, it shall recommend that such prisoner shall be allowed to go upon parole outside of the prison walls and enclosures upon such terms and conditions as The Board and Governor shall prescribe, but to remain while thus on parole in the legal custody of the prison and its officers until the expiration of the maximum term specified in his sentence.

Sec. 30. Invalid Prisoners. If a prisoner contracts some disease which is incurable or renders him an invalid, and he has friends or relatives who are able and willing to provide and care for his medical attention and treatment, the Board may in the exercise of its sound discretion, regardless of the time served by him upon his sentence, or the condition of his record, recommend him for parole, limited or not as to time.

Sec. 31. Conviction of Felony by Parolee. If any person be convicted while on parole, he shall, in addition to the sentence which may be imposed for such felony, and before beginning to serve said sentence, be compelled to serve in the penitentiary the portion remaining of the maximum term of the sentence on which he was released on parole from the time of such release on parole to the expiration of such maximum term. No such person shall be eligible for any other parole at any time under his original sentence.

Sec. 32. Escapes Not Eligible for Parole. No person who has been finally convicted of a felony and sentenced to the penitentiary and shall escape from the officer having him in charge, whether before or after he has been received at the penitentiary, shall ever become eligible for parole, except on the sound discretion of the board.

Sec. 33. Prisoners With Venereal Diseases. No prisoner shall be re-

leased on parole while suffering from a venereal disease in a contagious form, except in cases where the prison physician certifies that such release is necessary to prisoner's complete recovery.

Sec. 34. Prisoners Violating Prison Rules. If any prisoner to whom parole is allowed shall, before his release thereunder, violate any of the rules or regulations of the penitentiary, the action of the Board shall become null and void, and such prisoner shall not again be considered for parole until he has under the provisions of this Act once more become eligible.

Sec. 35. Parolee Violating Condition of Parole. If any prisoner while out on parole shall violate any conditions of his parole, he shall be required to serve the rest of his sentence or sentences, dating from the day of his release on parole.

Sec. 36. Discharge From Parole. No person released on parole shall be discharged from parole prior to the full expiration of the maximum term for which he was sentenced, except at the discretion of both the Board and Governor. The Governor, however, upon recommendation of the Board, may relieve a prisoner on parole from making further reports and may permit such prisoner to leave the State if satisfied that it is for the best interest of society and parolee, but he shall at all times while on parole be considered in the legal custody of the penitentiary officers.

Sec. 37. Lapse of Parolee. If the Board shall have good cause to believe that a prisoner out on parole has lapsed by violating any of the conditions of his parole, it shall cause an investigation to be made thereof, and if it finds said parolee has so violated the conditions of his parole, it shall report such fact to the Governor, who thereupon, shall issue a warrant for the retaking of said parolee and his return to the penitentiary.

Sec. 38. Retaking of Lapsed Parolee. Any officer authorized to serve criminal process, or any peace officer to whom such warrant shall be delivered is authorized and required to execute such warrant by taking such prisoner on parole, placing him in jail in the county of his arrest, there to be held until delivered to an agent of the Texas Prison System for transfer to the State Penitentiary.

Such officer, other than an officer or agent of the Penitentiary, shall be entitled to receive the same fees and mileage therefor as upon the execution of a warrant of arrest at the place where said prisoner shall be retaken. It shall be the duty of the arresting officer to immediately notify by registered letter the warden of the penitentiary at Huntsville, Texas, of the arrest, the date thereof, and the location of jail where held, and failure to comply with this provision shall deprive the arresting officer of his fees and mileage for the arrest. Such fees and mileage of the officer, other than an agent or officer of the penitentiary, for executing such warrant shall be paid by the General Manager of the Texas Prison System out of any funds appropriated to the Texas Prison System for the recapture of escaped convicts.

Sec. 39. Parole May Have Rehearing. If such prisoner, after his return to the penitentiary, shall insist that he has not violated the conditions of his parole, and desires The Board to further investigate his case, The Board shall, at his request, reopen his case and as soon as practicable, hear such evidence thereon as the prisoner has to offer, together with such evidence as The Board may acquire, either for or against him. The prisoner may be heard in person, if he so desires. Affidavits may be considered either for or against him at the hearing which may be conducted by The Board, or any of its members. If The Board shall find that the prisoner has not lapsed by violating any condition of his parole, he may be released upon his original parole, and transportation shall be furnished him to the place where he was retaken as in the first instance of his release on parole.

Sec. 40. Clothing, Transportation and Money to Be Furnished Parolees. Upon the discharge of any prisoner upon parole, under the provisions of this Act, such person so paroled, shall be furnished by the proper officers of the State Prison Board with such clothing as is usually furnished to prisoners upon discharge from prison in this State, together with a railroad or bus-non-transferable ticket from the place of his discharge to the place of conviction and

sentence, or to the county where said parolee may have been provided with employment, provided said distance is not greater from the place of discharge than to the place of conviction and sentence, within this State and in addition thereto the sum of Five Dollars (\$5.00). When the sentence of a prisoner released on parole expires while such prisoner is out on parole, such parolee shall not receive any additional clothing or funds from the State Prison Board as is provided for discharged prisoners, unless such parolee shall have actually served as much as ten years of his sentence at the time he was released on parole, exclusive of commutation and overtime. Any such prisoner who has served such time may receive from the State Prison Board the sum of money, less Five Dollars (\$5.00), which he would be entitled to receive under the laws of this State had he been discharged at the time of his parole, but such amount paid shall be computed solely on flat time actually served, and then only upon request of the parolee. His receipt therefor shall be taken by the State Prison Board, and when not taken in person by some official or agent of said Board, it shall be acknowledged by the parolee before some officer authorized to take such acknowledgment. The money so paid shall be delivered in person to the parolee, but shall not be paid to anyone else.

Sec. 41. Applications for Restoration of Citizenship. All applications for restoration of citizenship to any person, who has been discharged from the Texas penitentiary, shall be made to the Board and be in writing, and shall state the time and place of conviction, the offense for which the party was convicted, and such application must be accompanied by an official prison record of the discharged convict, as well as a written statement from as many as three of the county officials of the County where he resides, or five law abiding citizens, who know the facts, to the effect, that applicant has not engaged in any criminal activities since his discharge and is trustworthy.

Sec. 41a. Restoration of Citizenship Discretionary. The Board may or may not recommend restoration of citizenship in any particular case,

but shall exercise its sound discretion under all the facts and circumstances.

Sec. 42. Paroles Under Definite Sentence. Any prisoner who is now confined in the penitentiary of this State, under a definite sentence, and who has never before been imprisoned in the penitentiary of this or any other state or nation, when he shall have served one-third ($\frac{1}{3}$) of the term or terms for which he was sentenced, including overtime earned and commutation gained, shall be eligible to be considered for parole. No prisoner shall be paroled under this section until he has served such minimum term.

Sec. 43. Paroles Under Future Definite Sentences. Except as otherwise provided in this Act, every person who shall hereafter be convicted and sentenced to serve a definite sentence in the penitentiary, and who has never before been imprisoned in the penitentiary of this State, or any other state, or any other nation, or state thereof, has a clear prison record, and has or can secure employment and has served one-third ($\frac{1}{3}$) of the term or terms for which he was sentenced, including commutation gained, shall be eligible to be considered for parole. Provided if the definite sentence is for one year or less, then, such prisoner shall serve his full time, less commutation earned. If the definite sentence be for two years then such prisoner shall be eligible to be considered for parole when he shall have served two-thirds ($\frac{2}{3}$) of his sentence, including commutation earned. When the definite sentence is for five years, then he shall not be considered for parole until he shall have served three years of his sentence, including commutation earned. No prisoner shall be paroled under this Section until he shall have served such minimum sentence.

Sec. 44. Paroles Under Indeterminate Sentences. Every person sentenced to an indeterminate sentence and now confined in the penitentiary, who has never before been imprisoned in a state penitentiary in this or any other state or nation, when he shall have served a period of time equal to the minimum sentence imposed upon him for the crime, or crimes, of which he was convicted, including overtime earned

and commutation gained, shall be deemed eligible to be considered for parole under this Act. No prisoner shall be released on parole until he shall have served such minimum sentence.

Sec. 45. Paroles Under Future Indeterminate Sentences. Except as otherwise provided in this Act, every person who may hereafter be sentenced to serve an indeterminate sentence in the penitentiary, and who has never before been imprisoned in the penitentiary of this or any other state, nation, or state thereof, has a clear prison record, has or can secure legitimate employment, if released, and has served the minimum sentence imposed upon him for the crime or crimes of which he was convicted, including commutations gained, shall be eligible to be considered by The Board for parole. No prisoner shall be released on parole until he shall have served such minimum sentence.

Sec. 46. Parole of Ex-convicts Under Future Sentences of Twenty Years or Less. Every person who may hereafter be sentenced to serve a definite sentence in the penitentiary, not exceeding twenty years, who is an ex-convict, but otherwise has a clear prison record and has served two-thirds of his definite term, including commutation earned, may be considered for parole. If the sentence under which such prisoner is serving be an indeterminate one, the maximum of which does not exceed twenty years, and his prison record is otherwise clear, and he has served two-thirds of maximum term, including commutation earned, he may in the sound discretion of The Board, be recommended for parole. No prisoner shall be paroled under this Section until he shall have served such minimum time.

Sec. 47. Paroles Under Long Term Sentences. Any person who is now serving in the penitentiary a sentence of twenty-five years or more, including sentences for life, shall at the expiration of nineteen years servitude, including overtime earned and commutation gained, be eligible to be considered for parole under the provisions of this Act. No prisoner shall be paroled until he shall have served such minimum time.

Sec. 48. Paroles Under Future Long Term Sentences. Any person

who may hereafter receive a maximum sentence of twenty-five years, or more, including sentences for life, shall at the expiration of nineteen years servitude, including commutation gained, with a clear prison record, be eligible to be considered for parole under the provisions of this Act. No prisoner shall be paroled under this section until he shall have served such minimum sentence. Provided prisoners who shall hereafter receive, and are serving in the penitentiary, two or more sentences each with a maximum of twenty-five years or more, or one such sentence and a life sentence, or two life sentences, shall not be released on parole until such prisoner has served nineteen calendar years flat.

Sec. 49. Appropriation. That the several sums of money herein specified or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the support and maintenance of The Board of Pardons and Parole until September 1, 1937.

1. Board members,	
three _____	\$ 8,750.00
2. Secretary _____	1,400.00
3. Assistant Secretary @	
\$125.00 per month..	875.00
4. Stenographers, three,	
two at \$105.00 per	
month, one to be a	
man, who shall	
have qualifications	
of a Court Re-	
porter, at \$150.00	
per month _____	2,520.00
Total Salaries _____	\$13,545.00

MISCELLANEOUS

1. Stationery, printing,	
postage, telephone,	
telegraph office	
equipment and sup-	
plies, porter hire	
and contingent.....	\$ 1,000.00
2. Traveling expenses of	
members of The	
Board _____	500.00
3. Traveling expenses of	
office stenographers	
when taking testi-	
mony before The	
Board at the sev-	
eral units of the	
Texas Prison Sys-	
tem as required by	
this Act _____	250.00

4. Office rent if Board	
of Control unable	
to furnish suitable	
offices for The	
Board in Capitol or	
other State Build-	
ing _____	1,050.00

Total Miscellaneous—\$ 2,800.00
Grand Total salaries
and miscellaneous—\$15,345.00

Sec. 50. Intent of Legislature. If any section, paragraph, part, sentence, clause or phrase of this act shall be held unconstitutional, it shall not affect the validity of the remainder, and the Legislature hereby declares that it would have passed each and every section, paragraph, part, sentence, clause and phrase of this Act severally.

Sec. 51. Repealing Clause. That Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 147, Acts of the 40th Legislature; Chapter 45, Acts of the First Called Session, 41st Legislature; Chapter 9, Acts of the Fourth Called Session of the 41st Legislature; and by Chapter 11, Acts of the 4th Called Session of the 41st Legislature and all other laws in conflict herewith, be and the same are hereby repealed.

Sec. 52. Emergency Clause. The Amendment to Section 11, Article 4 of the Constitution of the State of Texas, designating February 1, 1937, as the date on which terms of the members of the Board of Pardons and Paroles shall begin, and there being now confined in the State penitentiary more than six thousand convicts, many of whom are daily becoming eligible for parole, and the further facts that the Attorney General has given his opinion to the effect that after January 31, 1937, present parole laws will be ineffective; that all appropriations made for the support and maintenance of the old Board of Pardons and Paroles will lapse, necessitating the passage of new laws and the making of new appropriations before the Board, created by the above Amendment, may function, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

COLLIE,
NEAL,
BROWNLEE.

Question—Shall the amendment be adopted?

Executive Session.

At 11:43 o'clock a. m., Senator Redditt asked unanimous consent of the Senate that the hour of 11:44 o'clock a. m. today be set as the time for the Senate to go into executive session to consider certain nominations submitted by the Governor.

There was no objection offered.

Accordingly, at the hour of 11:44 o'clock a. m., the President ordered the floor of the Senate chamber cleared and the doors closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following reports of the Committee on Nominations of the Governor had been adopted:

Committee Room,

Austin, Texas, Feb. 1, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom were referred the following appointments, have had same under consideration, and I, as Vice-Chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To be Associate Justice of the Court of Civil Appeals for the Sixth District at Texarkana:

Judge I. N. Williams, of Mount Pleasant, Titus County, to succeed Judge Grover Sellers, resigned, said resignation and said appointment to take effect February 1, 1937.

To be Judge of the 76th Judicial District of Texas:

Claude Hutchings, of Mount Pleasant, Titus County, to succeed Judge I. N. Williams, appointed (effective February 1, 1937) to succeed Judge Grover Sellers, resigned, on the Court of Civil Appeals at Texarkana.

To be Member of the Game, Fish and Oyster Commission:

Murrell L. Buckner, of Dallas, Dallas County, to succeed Caesar Kleberg, resigned, said resignation and appointment effective January 31, 1937, for the remainder of the term ending September 1, 1937.

REDDITT, Vice-Chairman.

Adjournment.

The Senate was called to order by the President, as in legislative session, at 11:54 o'clock a. m.

Senator Roberts moved that the Senate recess to 2:00 o'clock p. m. today.

Senator Cotten moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion to adjourn prevailed; and the Senate, accordingly, at 11:55 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX.

Reports of Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Feb. 1, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 16 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 54 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 101 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

FOURTEENTH DAY.

(Tuesday, February 2, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.
Beck.

Brownlee.
Burns.